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**TITLE 312 NATURAL RESOURCES COMMISSION**

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**Economic Impact Statement**

LSA Document #10-657

**IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses****Estimated Number of Small Businesses Subject to this Rule:**

90 (10 Ohio River commercial fishing license holders and 80 Inland River commercial fishing license holders).

**Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Small Businesses Will Incur for Compliance:**

None.

**Estimated Total Annual Economic Impact on Small Businesses to Comply:**

\$300 per year per business for a loss of sales of 10 catfish per year.

**Justification Statement of Requirement or Cost:**

Individuals who take catfish in a river or stream will still be able to take an unlimited number of blue and flathead catfish under 35 inches and channel catfish under 28 inches each day. However, in rivers other than the Ohio River, an individual will only be able to take catfish that are at least 15 inches in size or more and take not more than one channel catfish that is 28 inches in length or more, one blue catfish that is 35 inches in length or more, and one flathead catfish that is 35 inches in length or more per day. They will be allowed to take one of each of these large catfish per day. Flathead, blue, and channel catfish of this size are not common in most rivers and streams in Indiana, particularly in the rivers where commercial fishing is authorized. Individual anglers are not allowed to sell fish taken from public waters in Indiana ([IC 14-22-9-7](#)), so the changes to [312 IAC 9-7-3](#) and [312 IAC 9-7-16](#) do not affect businesses.

A comprehensive study of catfish taken from the Wabash River was conducted in 2005. This research project indicated that a 15 inch minimum size limit would effectively eliminate any threat of over-fishing (taking out more than can be naturally reproduced) channel catfish. This research project also indicated that catfish in the noncommercially fished portion of the Wabash River exhibited higher proportions of larger (and older-aged) fish, and lower annual mortality (and exploitation) rates. Channel catfish were proportionally less abundant in the interjurisdictional waters of the Wabash River that border Illinois (where commercial fishing is authorized) than in the upstream reaches. The current 10 inch minimum size length limit offers little protection for first-year spawning (reproducing) flathead catfish. Additionally, the state of Illinois has a 15 inch catfish minimum size limit on its portion of the Wabash River. Both states would have the same minimum size limit on commercially caught catfish, simplifying management and enforcement.

By limiting the number of large (trophy) catfish that can be taken by anglers, catfish will be able to increase recruitment (survival of younger catfish), and ensure continued trophy angling opportunities. Furthermore, because large catfish eat smaller fish, large "trophy" catfish help control the populations of forage species such as gizzard shad. For example, invasive Asian carp are expanding in the Wabash River. Maintaining strong predator fish populations, such as large catfish, can help counter such invasions.

Since an unlimited number of blue and flathead catfish can be taken that are at least 15 inches and less than 35 inches and an unlimited number of channel catfish can be taken that are at least 15 inches and less than 28 inches, these commercial anglers can still take catfish that are needed for personal consumption and sale. In the Ohio River, an unlimited number of blue and flathead catfish can be taken that are less than 35 inches, and an unlimited number of channel catfish can be taken that are less than 28 inches; therefore, commercial anglers on the Ohio River can still take catfish that are needed for personal consumption and sale.

**Regulatory Flexibility Analysis of Alternative Methods:**

The DNR does not believe that any alternatives are needed for these rule proposals. The DNR could allow more trophy-sized catfish to be taken, instead of the proposed one per day of each species of flathead, channel, and blue catfish, but the DNR believes that increasing this number would continue to harm the population by removing mature catfish that have the greatest reproductive potential. The DNR could also not increase the size limit for inland waters to 15 inches for catfish, but keeping the current limit of 10 inches does not adequately provide for the protection of self-sustaining catfish populations. Flathead catfish are sexually mature at three to five years of age, and channel and blue catfish are sexually mature at four to five years of age, making the current 10 inch minimum size limit of little protection for first-year spawning recruits. An unlimited number of blue and flathead catfish can be taken that are at least 15 inches and less than 35 inches, and an unlimited number of channel catfish can be taken that are at least 15 inches and less than 28 inches in inland rivers such as the Wabash. In the Ohio River, an unlimited number of blue and flathead catfish can be taken that are less than 35

inches, and an unlimited number of channel catfish can be taken that are less than 28 inches. Since catfish are a popular fish for sport anglers, it is imperative that the DNR provide enough protection of the species to allow for their continued survival and self-sustaining populations. Without a self-sustaining population, anglers (both for sport fishing and commercial purposes) would not be able to take the desired number of catfish, and it is costly for the DNR to stock these fish.

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